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10/538,435	06/10/2005	Jean-Marie Vau	85053WRZ	3169

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EXAMINER

LEATHERS, VERNIQUE T

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4121

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,435	Applicant(s) VAU ET AL.	
	Examiner VERNIQUE T. LEATHERS	Art Unit 4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/10/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites "method according to claim 2, wherein the key is sent to the receiver device (20)" but claim 2 does not mention "the key". The term "the key" also lacks proper antecedent basis in parent independent claim 1. Claim 1 recites only the central distribution server, telecasting station, receiver device (20), the broadcast image, and the availability information message. Claim 2 recites all the limitations of claim 1 except for the receiver device.

Claim 5 recites "transmission of the image to the telecasting station and transmission of the availability information message (24) to the receiver device take place more or less at the same time." The term "more or less at the same time" in claim 5 is a relative term which renders the claim indefinite. The term "more or less at the same time" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6, and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakano et al (European Patent Application EP 0 796 014 A1).

As per claim 1, Nakano teaches a method of image distribution from a central distribution server (10) to at least one receiver device (20) (Nakano,

Column 4, lines 11-24 states:

The information provider apparatus comprises a still picture television wave transmitting apparatus for transmitting a natural still picture by time-division still picture broadcast system, and a data communication device for carrying out data communication with the user. The user apparatus comprises a still picture television receiver for receiving and displaying signals of natural still picture television wave transmitted by the time-division still picture broadcast system and for displaying the data thus transmitted and received, and a data communication device connected to a communication line via the still picture television receiver and used for data communication with the information provider.)

, in which, in response to a user request at least one image is broadcast by a telecasting means (Nakano,

Column 6, lines 14-22 states:

The still picture television broadcasting station 8 adds the frame control data such as the user identification code, the still picture number, the frame number, etc. to the still picture requested by the user, and it is broadcast only once as a rule by terrestrial broadcasting wave, satellite broadcasting wave or CATV broadcasting wave in accordance with the time-division still picture broadcast system shown in Fig.1 by the still picture television broadcasting station.)

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, and an information message (24) of image availability by telecasting is sent to the receiver device (20) (Nakano,

Column 8, lines 55-59 states:

When the transmission from the still picture broadcasting apparatus has been completed, a transmission completion signal including the control data is sent to the information provider. (3) When the transmission completion signal from

Column 9, lines 1-15 states:

The still picture television broadcasting station has been received, the information provider checks the control data if right or not. Then, the information provider is turned to standby status for receiving the receiving confirmation signal from the user. (4) The user apparatus receives the control data and the picture data of the still picture for itself by the still picture receiver to which the user identification code has been preset. Upon completion of reception, the still picture receiver sends a dual-tone signal corresponding to the receiving confirmation signal including the control data of the received still picture to the information provider by telephone line and displays the received still picture on the television set.)

Referring to claim 2, Nakano teaches a method according to claim 1, wherein the image to be broadcast is transmitted from the server to a telecasting station (40) (Nakano,

Column 6, lines 5-13 states:

When the request from the user for utilization of information service is received, the information provider apparatus 9 charges a fee when necessary and transfers the request for the still picture broadcasting from the user to the still picture television broadcasting station. In this case, frame control data such as user identification code, still picture number, etc. for the desired still picture requested by the user are transmitted to the still picture television broadcasting station if necessary).

As per claim 6, Nakano teaches a method according to claim 1, comprising the transmission by the receiver device (20), of an acknowledgement (29) of the image (Nakano,

Column 9, lines 6-15 states:

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The user apparatus receives the control data and the picture data of the still picture for itself by the still picture receiver to which the user identification code has been preset. Upon completion of reception, the still picture receiver sends a dual-tone signal corresponding to the receiving confirmation signal including the control data of the received still picture to the information provider by telephone line and displays the received still picture on the television set).

and the interruption of the broadcasting of the image in response to the acknowledgement. (Nakano,

Column 9, lines 26-34 states:

In case it is confirmed that the user correctly received the still picture, a voice message is sent to the user on telephone so that the current still picture should be duly processed, and the information provider waits for input of the dual-tone signal from the user. In accordance with voice message on telephone, the user inputs the dual-tone signal while watching the still picture on the television set).

Claim 8, Nakano teaches a method according to claim 1, wherein the image is broadcast by radio and/or by cable (Nakano,

Column 3, lines 16-19 states:

Terrestrial broadcasting wave 42 or satellite broadcasting wave or CATV radiowave are used to connect between the still picture broadcasting station apparatus 38 and the user apparatus 40.

Column 4, lines 25-27 states:

The television wave transmitting path may be terrestrial broadcasting wave, satellite broadcasting wave or CATV).

As per claim 9, Nakano teaches a method according to claim 1, wherein the image distribution request is transmitted from the user to the central server using a surcharged electronic message (32) (Nakano,

Column 6, lines 5-10 states:

When the request from the user for utilization of information service is received, the information provider apparatus 9 charges a fee when

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necessary and transfers the request for the still picture broadcasting from the user to the still picture television broadcasting station).

Referring to claim 10, Nakano discloses an image distribution system comprising a central server (10) (Nakano,

Column 4, lines 11-16 states:

The information provider apparatus comprises a still picture television wave transmitting apparatus for transmitting a natural still picture by time-division still picture broadcast system, and a data communication device for carrying out data communication with the user).

, a first communication link (42) between the server and a telecasting station (Nakano,

Column 5, lines 10-13 states:

A communication line such as public line or dedicated line is used to connect between the information provider apparatus 9 and the still picture broadcasting station apparatus 8).

and a second communication link (26) between the central server and a receiver device (20) (Nakano,

Column 5, lines 7-9 states:

A communication line 11 such as public line or CATV line is used for connecting between the user apparatus 10 and the information provider apparatus 9).

, the receiver device being capable of receiving a telecast signal (44) from the telecasting station (Nakano,

Column 5, lines 3-6 states:

Terrestrial broadcasting wave path 12 or satellite broadcasting wave or CATV wave is used to connect between the still picture broadcasting station apparatus 8 and the user apparatus 10).

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Referring to claim 11, Nakano discloses a system according to claim 10, wherein the receiver device comprises a television set, a digital camera or any other device capable of displaying an image (Nakano,

Column 4, lines 17-21 states:

The user apparatus comprises a still picture television receiver for receiving and displaying signals of natural still picture television wave transmitted by the time-division still picture broadcast system and for displaying the data thus transmitted and received.

Column 5, lines 14-22 states:

The user apparatus 10 comprises a set-top box 14 for receiving still picture, a display unit 13 and a dual- 15 tone telephone set 15. To the set-top box 14 for receiving the still picture, a television antenna for receiving still picture broadcasting, a television antenna for receiving satellite broadcasting or a coaxial cable for CATV are connected, and the set-top box 14 for receiving the still 20 picture is connected to the display unit 13 such as a television set).

As per claim 12, Nakano discloses a system according to claim 10, wherein the receiver device (Nakano,

Column 7, lines 3-4 states:

The user apparatus 10 selects the frame of the requested still picture by using a frame control signal).

is a digital photo frame (Nakano,

Column 7 lines 8-9 states:

And displays it as a still picture on the display unit 13).

Nakano discloses a receiver device (user apparatus 10) which displays requested still pictures on a display unit 13 (digital photo frame).

Claims 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by International Application Taljaraad (WO 01/31908 A1).

Regarding claim 13, Taljaraad teaches a digital photo frame (Taljaraad,

Page 11, Paragraph 2, lines 5-7 states:
And a display (23) for displaying the retrieved still video frames for a predetermined or desired length of time or in a particular sequence).

comprising a network communication channel (Taljaraad,

Page 11, Paragraph 3, lines 6-7 states:
The consumer's selection is transmitted back to the user via a return path in the form of a communication or telecommunication channel).

, a telecast signal reception channel (27, 28) (Taljaraad,

Page 11, Paragraph 2, lines 1-2 states:
A consumer (9) of information disseminated by the system (1) has a receiver (20) remote from the transmitter (8) for receiving the still frame video output signal (7)).

, and display means (22) of an image received by the telecast signal reception channel (Taljaraad,

Page 11, Paragraph 2, lines 5-7 states:
And a display (23) for displaying the retrieved still video frames for a predetermined or desired length of time or in a particular sequence).

, in response to an information message received by the network communication channel (Taljaraad,

Page 11, Paragraph 3, lines 1-3 states:
The system (1) includes a response facility (24) associated with the receive (20) which is activatable by the consumer (9) to enter selection data corresponding to a displayed still video frame).

Regarding claim 14, Taljaraad teaches a frame according to claim 13, wherein the telecast signal reception channel has a key decoder (27) (Taljaraad,

Page 17, Paragraph 1, lines 2-5 states:

The video output signal can be transmitted "in clear" or be encrypted prior to transmission where the broadcast is not "free-to-air". In the latter instance the video output signal is decrypted by the receiver (20) before being stored in the storage means (3)).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3, is rejected under 35 U.S.C. 103(a) as being unpatentable over European Nakano et al (European Patent Application EP 0 796 014 A1; hereafter Nakano '014) in view of Wasilewski (US 6971008 B2; hereafter Wasilewski '008).

As per claim 3, all the limitations of claim 1 have been discussed above. However, Nakano does not disclose the image is encoded with at least one key before its broadcasting.

On the other hand, Wasilewski '008 teaches the image is encoded with a least one key before its broadcasting. (Wasilewski,

Abstract states:

A cable television system provides conditional access to services. The cable television system includes a head-end from which service "instances", or programs, are broadcast and a plurality of set top units for receiving the instances and selectively decrypting the instances for display

to system subscribers. The service instances are encrypted using public and/or private keys provided by service providers or central authorization agents. Keys used by the set tops for selective decryption may also be public or private in nature, and such keys may be reassigned at different times to provide a cable television system in which piracy concerns are minimized).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an image that is encoded with at least one key before its broadcasting as taught by Wasilewski '008 in the invention of Nakano in order to provide a method for secure transmission of protected images to a user.

Claim 7, is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano (EP 0 796 014 A1; hereafter Nakano '014) in view of Taljaard (WO 01/31908 A1; hereafter Taljaard '908).

Referring to claim 7, all the limitations of claim 1 as addressed above. However, Nakano does not disclose the availability information message (24) and/or acknowledgement are messages transmitted by Internet. On the other hand Taljaard '908 discloses the availability information message (24) and/or acknowledgement are messages transmitted by Internet (Taljaard,

Page 10, Paragraph 3, lines 1-3 states:

The system (1) includes a user access facility (2) in the form of the Internet or any other communications network which enables a user of the system to submit information for dissemination to consumers thereof,

Page 11, Paragraph 4, lines 1-4 states:

In use, a user wishing to disseminate information by means of the system (1) submits such information by means of the user access facility (2) to an Internet server (10). The submitted information can comprise any combination of images and text).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the availability information message (24) and/or acknowledgement as messages transmitted by Internet as taught by Taljaard '908 in the invention of Nakano in order to provide a method for response data communication between the user and the information provider.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernique T. Leathers whose telephone number is (571)270-5738. The examiner can normally be reached on Monday through Thursday, from 7:00am to 5:30pm, Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Robertson can be reached on (571)272-4186. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V.T.L./
Vernique Leathers
Examiner, Art Unit 4121
July 09, 2008

/Ramy M Osman/
Primary Examiner, Art Unit 2157